

RESOLUTION NO. 12-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, ALABAMA:

WHEREAS, Russell Hill Properties, LLC, an Alabama limited liability company, is the owner of all the land abutting a right-of-way lying within the City of Huntsville, Alabama, which right-of-way is described as follows, to-wit:

All that part of Section 3, Township 4 South, Range 1 West, Madison County, Alabama being Twenty-Five (25) feet on both sides of the following centerline and more particularly described as: commencing at the centerline intersection of Russell Hill Drive and Markaview Road of the Final Plat of CCI/Martin Medical Complex a Resubdivision of a Resubdivision of CCI Medical Campus as recorded in Document Number 20050630000424610 in the Office of the Judge of the Probate Court of Madison County, Alabama; thence N 89°51'14" E along the centerline of Russell Hill Drive a distance of 50.00 feet to the point of beginning; thence continue N 89°51'14" E along the centerline of Russell Hill Drive a distance of 430.00 feet to the center of the Cul-De-Sac and the end of said centerline. Being Fifty (50) feet in width and including the entire Sixty (60) foot Cul-De-Sac.

WHEREAS, the owner has executed a declaration of its intent and desire that the right-of-way above described be abandoned by the City of Huntsville; and it desires to divest any and all right, title and interest which the public may have in and to said right-of-way so described, acquired by virtue of the dedication of said right-of-way to the City of Huntsville, Alabama, and is no longer needed for a public or municipal purpose; and

WHEREAS, the City Council of the City of Huntsville, Alabama, has been advised and does find that convenient and adequate means of ingress and egress are available to all owners of surrounding property, such being afforded by virtue of other streets, easements, avenues, and alleys, and the said right-of-way is not being used and has been abandoned as a right-of-way, and having represented to the City Council of the City of Huntsville, Alabama, that the owners of the real property located on all sides have no objections to said abandonment;

NOW, THEREFORE, BE IT RESOLVED, by the City of Huntsville, Alabama, that the City does hereby declare the above-described right-of-way to be abandoned, divesting the entire right, title and interest of the City of Huntsville, Alabama, in and to said right-of-way.

ADOPTED, this 11th day of October, 2012.

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President of the City Council  
Of the City of Huntsville, Alabama

APPROVED, this 11th day of October, 2012.

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Mayor of the City of Huntsville,  
Alabama

*This Instrument prepared by:*  
Benjamin W. Hutton  
Bradley Arant Boult Cummings LLP  
200 Clinton Avenue West, Suite 900  
Huntsville, Alabama 35801  
(256) 517-5100

STATE OF ALABAMA       )  
                                  :  
MADISON COUNTY        )

**DECLARATION OF VACATION**  
(Part of Russell Hill Drive)

KNOW ALL PERSONS BY THESE PRESENTS:

That the undersigned, **RUSSELL HILL PROPERTIES, LLC**, an Alabama limited liability company, being the sole owner of all lands abutting the portion or portions of public way or ways hereinafter declared vacated, do hereby declare vacated and divested out of the public the portion or portions of public way or ways described on Exhibit A which is attached hereto and incorporated herein by reference.

The vacation hereinabove declared shall be subject to such conditions and reservations for the benefit of the owners or operators of public utilities or installations in said way or ways as the governing body of the City of Huntsville may see fit to specify in a resolution of assent.

The said owner does further declare that, after the vacation hereinabove declared, convenient means of ingress and egress to and from its property will be afforded by the remaining public ways dedicated to the public for public way purposes.

The said owner does further declare that, after the vacation hereinabove declared, the title to the public way hereby vacated shall vest entirely and exclusively in the undersigned, Russell Hill Properties, LLC. The said owner does hereby quit claim unto Russell Hill Properties, LLC, its successors and assigns, any interest or claim that it might have in and to said vacated way.

IN WITNESS WHEREOF, the undersigned has hereunto set its hand and seal the 10th day of October, 2012.

RUSSELL HILL PROPERTIES, LLC

By:   
Marshall T. Schreeder, Manager

STATE OF ALABAMA                     )  
  :  
COUNTY OF MADISON                )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Marshall T. Schreeder, whose name as Manager of Russell Hill Properties, LLC, an Alabama limited liability company, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he as such officer and with full authority, executed same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal this 10th day of October, 2012.

  
Notary Public

[NOTARIAL SEAL]

My commission expires: 11-18-2014

**EXHIBIT A**

**LEGAL DESCRIPTION  
PART OF A 50' RIGHT-OF-WAY INCLUDING CUL-DE-SAC  
FOR RUSSELL HILL DRIVE OF  
FINAL PLAT OF CCI/MARTIN MEDICAL COMPLEX  
A RESUBDIVISION OF A RESUBDIVISION OF CCI MEDICAL CAMPUS**

All that part of Section 3, Township 4 South, Range 1 West, Madison County, Alabama being Twenty-Five (25) feet on both sides of the following centerline and more particularly described as:

Commencing at the centerline intersection of Russell Hill Drive and Markaview Road of the Final Plat of CCI/Martin Medical Complex a Resubdivision of a Resubdivision of CCI Medical Campus as recorded in Document Number 20050630000424610 in the Office of the Judge of the Probate Court of Madison County, Alabama; thence N 89°51'14" E along the centerline of Russell Hill Drive a distance of 50.00 feet to the point of beginning; thence continue N 89°51'14" E along the centerline of Russell Hill Drive a distance of 430.00 feet to the center of the Cul-De-Sac and the end of said centerline. Being Fifty (50) feet in width and including the entire Sixty (60) foot Cul-De-Sac.